

**REMARKS**

These amendments and remarks are in response to the Final Office Action dated November 20, 2008. This response is accompanied by a Request for Continued Examination. Applicant requests a three-month extension of time and authorization is given to charge Deposit Account No. 50-0951 for the appropriate fees.

In the Office Action, claims 1-6 and 8-12 were rejected under 35 U.S.C. §103(a) as being unpatentable over PCT Publication No. WO 03/095060 to Gandolfi et al. ("*Gandolfi*") in view of European Patent Publication No. 60238492 to Nagano ("*Nagano*").

The Examiner has considered the sentence added to claim 1 in the amendment filed on October 30, 2008: "wherein said at least one titanium alloy tube and said zirconium or zirconium alloy coating layer are bonded together metallurgically or through welding", as a mere method limitation in an apparatus claim, which the Examiner alleges bears no patentable weight in this instance. This assertion is traversed.

The way the tube and the coating layer are bonded together plays an essential role in the characterization of the final product, since its structure and mechanical properties depend directly on how the bonding is carried out. In this respect, it is not appropriate to assert that the limitation added to claim 1 has no patentable weight and that therefore the device of *Gandolfi* modified by *Nagano* structurally meets the present claim limitations.

As clearly explained in the description of the present application, see for instance page 12, lines 10-20, thanks to the metallurgical bonding or the bonding through welding, the tube and the coating layer are advantageously linked together in a strong, stable and long-lasting manner, thus obtaining a device with enhanced properties with respect to resistance to corrosion.

In other words, the apparatus presently claimed in claim 1 has structural features in terms of adherence between the tubes and the coating layers, which are not at all present in the device of *Gandolfi* and *Nagano*, wherein a "passive film" of Zirconium is loosely linked to the Titanium substrate through electrolytical deposition.

It follows that the claimed apparatus is able to solve the technical problem set forth at page 5, lines 1-9 of the description, while the device of *Gandolfi* and *Nagano* is not. The technique (electrolytical deposition) used in the device of *Gandolfi* and *Nagano* for coating the substrate

Amendment

Response to Final Office Action dated November 20, 2008

indeed confers to the coated substrate low resistance against corrosive chemical agents in the long run.

The device obtained in view of *Gandolfi* and *Nagano* can thus not be compared or confused with the apparatus of present claim 1, the latter being structurally distinct from the cited prior art.

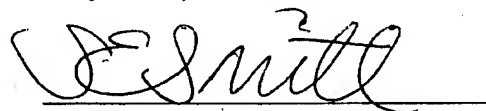
In view of the above observations, the Examiner is respectfully requested to reconsider the arguments contained in the previous response. In this connection, applicant has amended present claim 1 in order to reword the limitation to remove any suggestion of a method but rather to refer simply to the structural connection between the layers.

The subject matter of present claim 1 should thus be regarded being inventive over the cited prior art and it is therefore in condition for allowance. All remaining claims are dependent on claim 1 and they are, therefore, new and non-obvious as well. Prompt issuance of a Notice of Allowance is therefore respectfully requested.

Applicant has made every effort to present claims which distinguish over the prior art, and it is thus believed that all claims are in condition for allowance. Nevertheless, Applicant invites the Examiner to call the undersigned if it is believed that a telephonic interview would expedite the prosecution of the application to an allowance. In view of the foregoing remarks, Applicant respectfully requests reconsideration and prompt allowance of the pending claims.

Respectfully submitted,

Date: 5/20/09



Mark D. Passler

Registration No. 40,764

Sarah E. Smith

Registration No. 50,488

**AKERMAN SENTERFITT**

Post Office Box 3188

West Palm Beach, FL 33402-3188

Telephone: (561) 653-5000